

THE HONORABLE MARSHA PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PAUL McTAGGART,

Plaintiff,

v.

ACE AMERICAN INSURANCE COMPANY,

Defendant.

Case No.: 12-01293 MJP

**DECLARATION OF RODNEY Q.
FONDA IN SUPPORT OF
DEFENDANT ACE AMERICAN
INSURANCE COMPANY'S
OPPOSITION TO PLAINTIFF'S
MOTION TO REMAND**

NOTED ON MOTION CALENDAR
August 24, 2012

I, Rodney Q. Fonda , being duly sworn, depose and state as follows:

1. I am over the age of 18 and am competent to testify to the matters set forth herein. I am the attorney representing defendant ACE American Insurance Company ("ACE American") in this matter. I submit this declaration in support of ACE American's Opposition to Plaintiff's Motion to Remand, specifically plaintiff's counsel's declaration.

2. Some of the communications I have had with plaintiff's counsel regarding the issue of removal are set forth in the declaration of plaintiff's counsel. What is set forth there is not inaccurate in a literal sense. The parts plaintiff's counsel left out, however, distort the total picture of the communications between counsel about this issue.

DECLARATION OF RODNEY Q. FONDA IN SUPPORT OF
DEFENDANT OPPOSITION TO MOTION TO REMAND - 1

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CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Shane C. Carew (shane@carewlaw.com; carol@carewlaw.com)

DATED this 20th day of August, 2012.

COZEN O'CONNOR

By: /s/ Bonnie L. Enera
Bonnie L. Enera, Legal Assistant

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DECLARATION OF RODNEY Q. FONDA IN SUPPORT OF
DEFENDANT OPPOSITION TO MOTION TO REMAND - 3

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